

Legislative Analysis



MINOR PROJECT CATEGORY PERMITS FOR MAINTENANCE DREDGING OF 90% OR MORE SAND

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Senate Bill 264 (Substitute S-2)

Sponsor: Sen. Tom Casperson

House Committee: Natural Resources

Senate Committee: Outdoor Recreation and Tourism

Complete to 6-3-13

A SUMMARY OF SENATE BILL 264 (S-2) AS PASSED BY THE SENATE 3-21-13

The bill would amend Parts 301 (Inland Lakes and Streams) and 325 (Great Lakes Submerged Lands) of the Natural Resources and Environmental Protection Act to require the Department of Environmental Quality (DEQ) to consider establishing a minor project category for maintenance dredging associated with a marina of material that has been determined to be 90% or more sand.

The permits issued under Part 301 and 325 would be valid for five years and, during the term of the permits, the DEQ would be prohibited from requiring additional environmental studies or surveys unless an act of God resulted in significant geological or ecological changes to the permitted area. Additionally, for permits issued under Part 325, applicants would be allowed, at their own discretion, to engage in open lake disposal of dredge material that was not contaminated with toxic substances in waters at the 30-meter depth contour or deeper. However, dredge materials could not be disposed of in Great Lakes Bottomland Preserves under Part 761, permitted submerged log removal areas under Part 326, or a lake trout or diporeia refuge.

Currently, under Parts 301 and 325, the DEQ can establish minor project categories of activities and projects that are similar in nature, have minimal adverse environmental effects when performed separately, and will have only minimal cumulative adverse effects on the environment. Under statute, the DEQ can act upon applications received for an activity or project within a minor project category without providing notice to the Department of Community Health, local health departments, and local governments. Additionally, applications can be acted upon without a public hearing unless a written request for one is filed with the department.

FISCAL IMPACT:

A fiscal analysis is in process.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.